

<p>Capitol Midweek Farmers Market By-Laws</p>

I. Name

The name of this market shall be THE CAPITOL MIDWEEK FARMERS' MARKET.

II. Purpose

1. To provide consumer with locally-grown, farm-fresh products at a convenient location.
2. To provide area farmers with improved marketing opportunities.

III. Location, duration and hours of operation

1. The market shall be held on the south lawn of the State of Kansas Capitol building, between SW Jackson Street and SW Harrison Street.
2. The market will be held every Wednesday starting in mid-May till mid-October.
3. The hours of operation shall be from 7:30 am to 12:00 pm. Vendors will be allowed to set-up after 6:30 am.

IV. Officers

1. Officers (market advisory board) will be the Chair, Co-Chair and Secretary. They must be vendors and will be elected around the beginning of each sales season. Positions cannot be combined. Officers must be a permanent vendor to the market.
 - i. The Chair shall chair meetings, be the main contact person for vendors, appoint committees and bring issues from the vendors to KDHE and vice-versa.
 - ii. The Co-chair will fill in for the Chair in case of their absence.
 - iii. The Secretary will maintain a mailing list of vendors, notify vendors of meetings, and keep minutes.
2. KDHE representative conduct general managerial operation of the market: collect vendor fees, pay bills, keep financial records, conduct no less than two rapid market assessment per season and promotion of the market (funding permitted).

V. Meetings

1. The market will meet monthly

- i. The meeting will be held at the Curtis State Office Building, 1000 SW Jackson Street, Topeka, KS 66612.
- ii. The meeting will consist of no more than one hour unless voted upon to extend.
- iii. The Chair will schedule all meeting times and dates.
- iv. The Chair will schedule any additional meeting that they feel is necessary.

VI. Participation, organization

1. Vendors must be Kansas Farmers or producer.
2. The term “farmer” means actively engaged in the production of fruits, vegetables, ornamental plants, live stock products or honey production
3. The term “producer” means actively engaged in the homemade production baked goods, jams/jellies, popcorn/kettle corn.
4. Each vendor shall have one vote on group decisions.
 - i. Only permanent vendors will be allowed to cast a vote
5. Issues shall be decided on the basis of over one-half of votes cast. All vendors must be given the same notice and opportunity to vote on issues. Types of issues requiring a vote include but are not limited to:
 - Entrance of additional vendors
 - Changes to the sales times
 - Election of officers
 - Setting fees
 - Major purchases or agreements for the farmers' market.
6. Changes to these by-laws shall be decided on the basis of over two-thirds of votes cast.
7. Entrance of additional vendors will be allowed if the new farmer agrees to follow these by-laws and is approved by a vote of the original vendors. Reasons to disallow additional vendors include but are not limited to:
 - Insufficient space at the market
 - Insufficient customer traffic
 - Excess supply of the commodities to be sold by the new vendors
 - Not agreeing to follow by-laws.
8. Farmers cannot transfer the right to be a vendor directly to another farmer.
9. Annual or weekly fees will cover the cost of the vendor stalls
 - i. Annual cost of a double vendor stall shall be: \$375.00

- ii. Annual cost of a single vendor stall shall be \$190.00
 - iii. Weekly cost to a double vendor stall shall be \$40.00
 - iv. Weekly cost to a single vendor stall shall be \$25.00
10. Permanent Vendors can eject one who willfully violated these by-laws, after a discuss and vote.
11. Farmer-vendor must carry farm liability insurance.

VII. Rules

1. At least 75% of all products offered by a vendor must be grown or processed by the vendor. The remaining 25% may be obtained from another Kansas source. The only exception is when a farmer encounters a temporary shortfall in his or her own supplies of a product. In that case, the farmer can purchase that product from another farmer as a supplement. However, the supplemental product must be grown in Kansas or a neighboring state and labeled accordingly.
2. Farmers shall indicate the major products they plan to sell on an application form to be submitted at the beginning of each season.
3. Vendors must comply with local, state and federal regulations that apply to their products. These include but are not limited to:
 - Pesticide licensing, their safe use and residue levels
 - A seal on weigh scales and compliance with other measure rules
 - Participation in mandatory research and marketing assessments for certain agricultural commodities
 - State sales tax collected as required
 - Health regulations that limit the preparation of ready-to-eat foods
 - Preserves, honey and canned foods labeled and limited as required
 - Eggs labeled and sold at internal temperature as required.
4. Annual and weekly fees must be paid according to the agreed-upon terms prior to selling at the farmers' market.
5. Vendors are expected to participate for the entire duration of the market to ensure a full market until the advertised closing time of 12:00 p.m. There are three instances in which vendors may leave the market prior to the close of business: 1) Inclement weather; 2) Extenuating circumstances (i.e., personal emergencies); 3) Sell-out. We understand that on some exceptional occasions, sell-out cannot be avoided, but vendors should plan accordingly each week to avoid routine sell-out. In the event of extenuating circumstances or sell-out, vendors are required to

inform the market manager either in-person or by telephone (785-296-8060) within 24 hours of their early departure. Failure to inform the manager of the reason for early departure within 24 hours will result in a written notice.

6. Vendors must arrive on time on sales days to be ready to sell at the official opening time.
7. All vendors are responsible for paying income and sales taxes on revenues from the Market.
8. All vendors assume responsibility for any and all litigation and judgments brought against their business and its products.
9. The Capitol Midweek Farmers' Market is a tobacco-free market. The use of cigarettes, cigars or smokeless tobacco products is strictly prohibited at all market stalls; this includes vendor vehicles. Vendors are expected to leave market grounds to use any tobacco products.
10. Labeling out of state produce.
11. Failure to comply with any of the market policies and regulations will result in a written notice from the market manager. In the event that a vendor is issued two written notices for a single policy infraction, a third offense will result in an official review by the Market Advisory Board. The board will determine appropriate action, which may include, but is not limited to: a monetary fine of no less than \$10 per violation, suspension for part or all of the remaining market season or permanent dismissal.
 - i. Any vendor that has been removed from the market has the right to appeal the decision of the Market Advisory Board by sending a certified letter to:

Jennifer Church
Midweek Farmer Market Manger
1000 SW Jackson Street
Suite 230
Topeka, KS 66612